IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23048 of 2005

Between:

M. Nageswara rao

..... PETITIONER

AND

The Sub-Inspector of Police,

Vedulapalli P.S. Bapatla Mandal,
Guntur District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not providing police protection on the representation of the petitioner dated 06.09.2005 in respect of the lands admeasuring Ac.1.80 cents in Sy.No.859/I, Ac.4.50 cents in Sy.No.861 and Ac.3.75 cents in Sy.No.859/J, situated at Murukondapadu-Stuvartpuram, Bapatla Mandal, Guntur District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner M.Nageswararao and 5 others filed W.P.No.5822 of 2004 on the file of this Court along with application under Order 39 Rules 1 and 2 of CPC in WPMP.No.7566 of 2004 to issue ad-interim injunction restraining the respondents therein from interfering with the petitioner's lands mentioned in the writ petition pending disposal of the writ petition. This Court by order dated 21.06.2004, in WPMP.No.7566 of 2004 in W.P.No.5822 of 2004 granted status quo.

It is further stated that the petitioner filed a complaint before the 1st respondent on 06.09.2005, stating that some unknown persons are lifting the sand from the lands in question and transporting the same through the lorries. In spite of the complaint filed, the 1st respondent has not taken any action, and therefore, the petitioner is constrained to file this writ petition.

Admittedly, the title of property is in dispute and the writ petition No.7566 of 2004 is pending consideration and status quo orders are in force. If there is any violation of status quo order, it is always open for the petitioner to take appropriate action to initiate contempt proceedings. I am of the opinion that the petitioner is not entitled for any relief in this writ petition as it is not known whether the petitioner is in possession of the lands in question or somebody are in possession of the same. Therefore, the writ petition cannot be entertained and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

Dated: 26.10.2005

Dsr